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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,607	10/28/2003	Adam Lapid	TI-29915.1	6301

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

EXAMINER

NGUYEN, DUC M

ART UNIT PAPER NUMBER

2685

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/695,607	Applicant(s) LAPID, ADAM	
	Examiner Duc M. Nguyen	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This action is in response to applicant's response filed on 10/28/03. Claims 1-10 are now pending in the present application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim **6-7, 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Okazaki**.

Regarding claim **1**, **Okazaki** discloses a system comprising:

a thermal device (see Figs. 1-2 and col. 8, lines 59-61);

an automatic gain control (AGC) circuit coupled to the thermal device such that the thermal device is enabled to compensate for variances in the AGC (see Figs. 1-2 and col. 10, lines 1-41);

Although **Okazaki** is silent on the broadband, it would have been obvious to one skilled in the art at the time the invention was made to apply **Okazaki's** teaching to a broadband communication device as well and would work equally well. Therefore, the claimed limitations are made obvious by **Okazaki**, for using a thermal device to compensate for variances in the AGC caused by changes in temperature condition.

Regarding claim **2**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, **Okazaki** discloses a variable thermistor (see col. 10, lines 57-60).

Regarding claim **3**, the claim is rejected for the same reason as set forth in claim 13 above. In addition, since **Okazaki** discloses an AGC control voltage that compensate temperature so that the output level is constant regardless of a change in temperature, it is clear that **Okazaki** would disclose a temperature independent operational amplifier as claimed (see Fig. 2, ref. 15 and col. 5, line 64 – col. 6, line 5).

Regarding claim **4**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, it is clear that **Okazaki** would disclose the thermal device varies gain in reverse polarity to IF/RF gain change across temperature, in order to maintain a constant output level (see col. 12, lines 1-6)

Regarding claim **5**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, **Okazaki** discloses a positive temperature coefficient thermister (see col. 10, lines 21-26).

Regarding claim **6**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, although **Okazaki** is silent on the ambient resistive accuracy, it would have been obvious to one skilled in the art at the time the invention was made to modify **Okazaki** for providing ambient resistive accuracy as claimed, for improving the performance of the thermistor.

Regarding claim **7**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, although **Okazaki** is silent on the LBT4030 device, it would have been obvious to one skilled in the art at the time the invention was made to modify

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Okazaki for using the standard LBT4030 device as claimed, for cost saving and/or improving performance of the communication device.

Regarding claim **8**, the claim is rejected for the same reason as set forth in claim 2 above.

Regarding claim **9**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, since **Okazaki** discloses the resistance of the thermal device changes with environmental temperature (see col. 10, lines 57-59), it is clear that its temperature resistance would obviously have a curve matched to a tuner's gain across a temperature as claimed (see Fig. 3), in order to compensate for gain changes caused by environmental temperature.

Regarding claim **10**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, although **Okazaki** is silent on the dissipation constant, it is clear that the heat dissipation constant of a thermal device would obviously be calculated based on temperature coefficient (or resistance) as claimed, in order to design a thermistor for use in a temperature-dependent-type AGC circuit.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,153,835 to **Lau et al**,

US 4,234,853 to **Yamaguchi**,

US 4,847,547 to **Eng, Jr.**,

US 5,854,428 to **Okaguchi**,

JP411142162A to **Okaguchi** and
JP403077414A to **Hamasuna**.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for formal communications intended for entry)

(571)-273-7893 (for informal or draft communications).

Hand-delivered responses should be brought to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner
should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893,
Monday-Thursday (9:00 AM - 5:00 PM).

Or to Edward Urban (Supervisor) whose telephone number is (571) 272-7899.

Duc M. Nguyen
Aug 18, 2005

